IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 4843 of 2005

Between:

B.Venkatarao, S/o.Saheb, Unemployee, R/o.C-161, I.D.P.L.Colony, Hyderabad.

..... PETITIONER

AND

1 The Commissioner, Serilingampally Municipality,
R.R.District.
2 Town Planning officer, Serilingampally Municipality, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction, declaring the action of the respondents in not accepting the application for construction of a residential house in plot nO.126 as illegal, arbitrary, discriminatory and violative of Article 14 of the constitution of India and contrary to section 209 of Municipalities Act and the rules made there under and consequently direct the respondents to consider the applications submitted by the petitioner on par with similarly situated persons.

Counsel for the Petitioner : MR.N.SUBBA RAO

Counsel for the Respondent Nos.1 & 2: MR.POLISETTI RADHAKRISHNA

The Court, at the stage of admission, made the following :

ORDER:

Petitioner states that he submitted an application on 05.03.2005, to the 2nd respondent, seeking permission to construct a building in Plot No.126 of Sy.No.211 of Madinaguda Village. He alleges that the 2nd respondent received the same with an endorsement, but immediately returned it stating that the application cannot be entertained and considered, in view of certain administrative instructions. Petitioner seeks appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned standing counsel for respondents.

Petitioner submitted an application under the provisions of the A.P. Municipalities Act, 1965, (for short 'the Act') with a request to accord permission to undertake construction in Plot No.126 of Sy.No.211 of Madinaguda Village. The Act empowers the respondents to examine the same and pass appropriate orders. In case, there exist any objections or impediments in the matter of grant of permission, the respondents can certainly reject the application stating the reasons therefor. There does not exist any justification for the respondents to refuse to receive the application. Such a course would amount to abrogation of the powers conferred on them by the Municipalities Act.

Hence, the writ petition is disposed of directing the respondents to receive the application of the petitioner seeking permission to construct, and process the same in accordance with the provisions of law. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY,J)

Date: 11-03-2005

Note: Office to issue c.c.

in three days.

(B/o.)

Ts

To

1 The Commissioner, Serilingampally Municipality,
R.R.District.
2 The Town Planning officer, Serilingampally Municipality, R.R.District.

3 2 CD copies.